

REMARKS

In response to the Office Action mailed December 14, 2006, applicants have cancelled claims 16-24, 32, 33, and 36-49, and have added claims 50-80. The new claims are supported by the original claims and specification as filed (see, e.g., p. 16, ll. 19 and p. 42, Table 1), and incorporate the amendments suggested by the Examiner at pp. 13-14 of the Office Action.

The Examiner rejected claims 16, 18-21, 24, 36, and 41-47 under 35 U.S.C. § 102(b) as allegedly anticipated by Huang et al. and Gough et al. Additionally, the Examiner rejected claims 16-24, 32, 33, 36, 37, and 41-47 under 35 U.S.C. § 102(e) as allegedly anticipated by Subjeck et al. Applicants have adopted the Examiner's suggested claim amendments, and thus, claims 50-80 are not anticipated by Huang et al., Gough et al. or Subjeck et al.

The Examiner rejected claim 17 and dependent claims 18-24, 32, and 33 directed to "dendritic cells loaded with the lysate" under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner stated that it is unclear what is meant by "loaded" because the specification discloses passages using "loaded" in different ways. The Examiner stated that this "renders the claim indefinite because the term 'loaded' is not defined by the claim and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Although claim 17 has been cancelled, new claims 54, 56, 58, 59, 60, 62, 64, 66, 68, 70, 72, 74 and 80 contain the language objected to by the Examiner.

Applicants traverse the rejection and respectfully submit that the term “loaded” is regularly used in the field of dendritic cell biology, and would be readily understood by one of skill in the art. For example, the term “loading” is used in connection with dendritic cells (APCs) in Subjeck et al., cited by the Examiner as relevant art. See Col. 3, ll. 41; col. 12, ll. 40; col. 27, ll. 26, 31.

As one of skill in the art would appreciate, “loading” a dendritic cell with lysate (or antigen) means that the dendritic cell has been incubated with a lysate so that the antigens of the lysate are taken up by the dendritic cell and then processed and presented via immunocomplexes on the surface of the dendritic cell in order to specifically stimulate T cells. One of skill in the art would know that the dendritic cells are *not* injected intracellularly with the lysate, but rather that they are mixed/incubated with the lysate for a sufficient time to allow the cells to take up and process the antigens of the lysate.

One of skill in the art would also know how to load dendritic cells with the lysate of the invention. In addition, the specification describes a specific process for loading dendritic cells with lysate at p. 48, ll. 19 - 25; p. 49, ll. 11 - 14 (Example 4). Accordingly, Applicants respectfully submit that claims reciting “dendritic cells loaded with lysate” are not indefinite, because one of skill in the art would understand what is claimed when read in light of the specification. See *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

The Examiner has also rejected claims 44-47 under 35 U.S.C. § 112, second paragraph, for describing tumor cells having various types of relationships, without indicating to *what* the tumor cells share a relationship. New claims 75-78 are drawn to

similar subject matter. However, claims 75-78 make it clear that the tumor cells bear an autologous, allogenic, syngenic, or xenogenic relationship to the subject to be treated, and thus these claims are not indefinite under §112, second paragraph.

Accordingly Applicants respectfully submit that the scope of claims 54, 56, 58, 59, 60, 62, 64, 66, 68, 70, 72, 74-78 and 80 can be readily determined by the person of skill in the art, and request that the rejection under 35 U.S.C. 112, second paragraph be withdrawn.

The Examiner has rejected claims referring to NM-F9 or NM-D4 cells under 35 U.S.C. 112, first paragraph. With this response, Applicants have attached an executed Deposit Declaration. Additionally, Applicants have amended the specification to include the date of deposits and accession numbers for the deposited cells. Applicants believe that this Declaration and amendment to the specification satisfies the enablement requirement of 35 U.S.C. § 112, first paragraph, and request that the rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of claims 50-80.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to deposit account 06-0916.

Respectfully submitted,

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